

### **REMARKS**

This paper is filed in response to the official action dated February 28, 2007. This paper is timely-filed.

Claims 1-21 are pending. By the foregoing, claims 1-6, 12, 16, 18, 19, and 21 have been amended to address matters of form, and claims 13, 17, and 20 have been canceled without prejudice or disclaimer. Claim 1 has been amended to include the limitation of claim 13, and claim 18 has been similarly amended.

Additionally, claim 9 has been amended to address a rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph. It is respectfully submitted that the 35 U.S.C. §112 rejection has been overcome and that no new matter has been added.

Claims 20 has been rejected as anticipated under 35 U.S.C. §102(b) by Izumi *et al.* The rejection is moot in view of the cancellation of claim 20 without prejudice or disclaimer, and thus should be withdrawn.

Additionally, all claims 1-21 have been rejected under 35 U.S.C. §103(a) as obvious over Fitzpatrick *et al.* in view of Kim *et al.*

The sole remaining basis for the claim rejections is addressed below. Reconsideration of the application as amended is solicited in view of the following remarks.

### **CLAIM REJECTIONS -- 35 U.S.C. §103(a)**

The applicants respectfully traverse the rejections of all pending claims 1-12, 14-16, 18, 19, and 21 as obvious over Fitzpatrick *et al.* in view of Kim *et al.*

Fitzpatrick *et al.* discloses a transesterification reaction wherein the enzyme protease subtilisin is used as an enantioselective catalyst. Fitzpatrick *et al.* does not disclose or suggest combining subtilisin with a racemization metal catalyst. The examiner therefore turned to Kim *et al.*

Kim *et al.* teaches racemization metal catalysts. Kim *et al.* also generally teaches that racemization metal catalysts must be compatible with both the acyl donors and the protein hydrolysis enzymes in the reaction system. See Kim *et al.* at pages 579 and 581. Because Kim *et al.* does not disclose or suggest that racemization metal catalysts are compatible with the protein hydrolysis enzymes recited by claims

1 and 18, all pending claims are patentable over Fitzpatrick and Kim, whether taken alone or in combination. Moreover, neither document discloses or suggests that such a system can be utilized to produce an (S)-chiral alcohol in a high yield and optical purity.

Accordingly, the rejections of claims 1-12, 14-16, 18, 19, and 21 as obvious over Fitzpatrick *et al.* in view of Kim *et al.* should be withdrawn.

### **CONCLUSION**

It is respectfully submitted that this application is now in condition for allowance. Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, she is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

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